

SENATE BILL 2695

By Jackson

AN ACT to amend Tennessee Code Annotated, Title 68,  
relative to enacting the "Crohn's Disease  
Restroom Access Act."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 120, is amended by adding  
the following as a new part:

68-120-601.

(a) This act shall be known and may be cited as the "Crohn's Disease  
Restroom Access Act".

(b) As used in this act:

(1) "Customer" means an individual who is lawfully on the  
premises of a retail establishment;

(2) "Eligible medical condition" means Crohn's disease, ulcerative  
colitis, any other inflammatory bowel disease, irritable bowel syndrome, or  
any other medical condition that requires immediate access to a toilet  
facility; and

(3) "Retail establishment" means a place of business open to the  
general public for the sale of goods or services. "Retail establishment"  
does not include a filling station or service station, with a structure of eight  
hundred square feet (800 sq. ft.) or less, that has an employee toilet  
facility located within that structure.

(c) A retail establishment that has a toilet facility for its employees shall  
allow a customer to use that facility during normal business hours if the toilet  
facility is reasonably safe and all of the following conditions are met:

(1) The customer requesting the use of the employee toilet facility suffers from an eligible medical condition or utilizes an ostomy device;

(2) Three (3) or more employees of the retail establishment are working at the time the customer requests use of the employee toilet facility;

(3) The retail establishment does not normally make a restroom available to the public;

(4) The employee toilet facility is not located in an area where providing access would create an obvious health or safety risk to the customer or an obvious security risk to the retail establishment; and

(5) A public restroom is not immediately accessible to the customer.

68-120-602.

(a) A retail establishment or an employee of a retail establishment is not civilly liable for any act or omission in allowing a customer that has an eligible medical condition to use an employee toilet facility that is not a public restroom if the act or omission meets all of the following:

(1) It is not willful or grossly negligent;

(2) It occurs in an area of the retail establishment that is not accessible to the public; and

(3) It results in an injury to or death of the customer or any individual other than an employee accompanying the customer.

(b) A retail establishment is not required to make any physical changes to an employee toilet facility under this act.

(c) A retail establishment or an employee of a retail establishment that violates a provision of this chapter has committed a class C misdemeanor punishable by a fine only that shall not exceed one hundred dollars (\$100).

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.